

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
Eastern Division

EDWARD WIEGAND, *et al.*, etc.,)
Plaintiffs,)
vs.)
NEW YORK LIFE INSURANCE)
& ANNUITY CORPORATION, *et al.*,)
Defendants.)
Case No. 4:22-cv-00188 HEA
Jury Trial Demanded

PLAINTIFFS' REQUEST FOR TRIAL SETTING

Plaintiffs request that the court set this case for a jury trial on any of the following docket weeks in early 2024:

Week of February 12.

Week of February 19.

Week of February 26.

Week of March 4.

In support of this motion, plaintiffs state that they have scheduled the second deposition of Joann Dyroff for Thursday, November 13, 2023, and have served notice of this deposition on NY Life.

NY Life used its supposed need for this second deposition of Joann Dyroff and deposition's supposed impact on NY Life's previously-denied summary judgment motion as its justification for its motion to delay this trial.

With a November 13, 2023 deposition, NY Life's revived summary judgment motion can be resolved well in advance of a February 2024 trial date.

In February 2024, this case will have been pending in this court for two years. This is a Track 2 – Standard case and is “expected to be concluded within 18 months of filing.” Local Rule 5.01. If the case is tried in February 2024, it would be concluded within the outer limits of Track 3 – Complex case, which is expected to be concluded “within 24 months of filing.”¹

This case is far from complex. To the contrary, it is simpler than the typical “standard” federal case. For all these reasons, a prompt trial date that allows the case to be concluded without further delay would be welcome by the plaintiffs.

¹ This is not meant to criticize the court. Because of several recusals, this case has been pending before three different district judges.

CONCLUSION

The could should set the case for trial during one of the weeks stated in the motion, the weeks of February 12, February 19, February 26, or March 4, 2024.

Respectfully submitted,

Jacobson Press P.C.

By: /s/ Joe D. Jacobson
Joe D. Jacobson #33715
222 South Central Avenue, Suite 550
Clayton, MO 63105
Tel: (314) 899-9789
Direct: (314) 899-9790
Fax: (314) 899-0282
Email: Jacobson@ArchCityLawyers.com

Attorneys for plaintiffs Edward
Wiegand and Eugenia Sprich

CERTIFICATE OF SERVICE

The filing attorney certifies that copies of this document were served on each counsel of record participating in the court's electronic case filing (ECF) system by filing this document through the ECF system on November 9, 2023